

IN THE UNITED STATES DISTRICT COURT FILED BY *LC* D.C.
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

05 SEP 28 PM 4:27

JIMMIE SMITH and his wife,
GEORGIANNA SMITH,

Plaintiffs,

v.

HOME DEPOT USA, INC.,

Defendant.

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF TENN. MEMPHIS

No. 04-2569-DV

ORDER ON PENDING MOTIONS

Before the court are the defendant's July 19, 2005 Motion for Modification of Scheduling Order (Docket No. 18) and July 19, 2005 Motion to File Amended Answer (Docket No. 12). During a status conference before Judge Donald on August 1, 2005, the parties indicated an agreed order on the pending motions would be submitted. No order having been received, the court now enters this order to indicate an agreement has been reached on the matters addressed in the motions, and the motions are denied as moot.

IT IS SO ORDERED.

Diane K. Vesco

DIANE K. VESCOVO

UNITED STATES MAGISTRATE JUDGE

DATE: *September 27, 2005*

This document entered on the docket sheet in compliance
with Rule 58 and/or 79(a) FRCP on *9/30/05*

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Notice of Distribution

This notice confirms a copy of the document docketed as number 26 in case 2:04-CV-02569 was distributed by fax, mail, or direct printing on September 30, 2005 to the parties listed.

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Honorable Bernice Donald
US DISTRICT COURT